

# The Southerner.

No. 44.—Vol. 1. Tarboro', Edgecombe County, (N. C.) Saturday, October 30, 1852. Whole No. 44.

**THE SOUTHERNER.**  
GEO. HOWARD, Jr., Editor & Proprietor.  
**TERMS—PER ANNUM.**  
If paid within two months, \$2 00  
Otherwise, 2 50  
**RATES OF ADVERTISING:**  
One square first insertion, 1 00  
" each insertion afterwards, 0 25  
Cards, a year, 5 00  
Court Orders and Judicial advertisements 25 per cent. higher.  
Yearly advertisements by contract.

## POLITICAL.



### Governor's Message.

To the Honorable the General Assembly of North Carolina:

Favored by a bountiful Providence with Peace and Plenty, the present would seem a most auspicious period for directing our thoughts and energies to such objects of legislation as are calculated to advance the great interests of the State, and to perpetuate the blessings of liberty.

Government was instituted for the security of the rights of persons and of property, and for the promotion of the substantial prosperity and happiness of the people. These objects, controlled by constitutional limitations, constitute the great political chart to guide Legislative and Executive action.

Among the subjects which claim the consideration of the General Assembly, is the question of Constitutional Reform. At the session of 1850-51, the General Assembly passed, by a constitutional majority, a bill to amend the Constitution, so as to extend to every freeman, who now has the right to vote for the Commons, the right to vote also for the Senate. The Executive Proclamation on this subject, was published agreeably to the requirements of the Legislature. I earnestly recommend that said amendment be passed by the constitutional majority of the present General Assembly, and submitted to the voters of the State for ratification.

The Constitution, as it now stands, prohibits every man who does not own fifty acres of land from voting in the Senate. This provision, it is believed, disfranchises in the Senate about one half of the free white men of the State, and embraces in its proscription a large class, who, in point of merit, intelligence and patriotism, are not inferior to any portion of our population. The proposition is not to take from the landholders their just rights but to elevate another meritorious class of our people to equal privileges at the ballot box. It is a marked feature in the progress of this reform, that a great portion of the freeholders, with a commendable disinterestedness, regarded this as a question of principle, and of right, and among them were found its earliest advocates and most zealous supporters.

A large majority of the people, in every portion of the State, are in favor of Equal Suffrage, and prefer the Legislative mode of effecting it. The greater part of the expense necessary to attain Equal Suffrage has already been incurred; and now to abandon the legislative mode, and to rely upon the Convention mode, would not only cause delay, but an increase of expenditure. The Convention mode is impracticable. The constitutional majority cannot be obtained in favor of a Convention; and, if the fate of this question is made to depend upon calling a Convention, its defeat may be regarded as certain. The Legislative mode is not only expressly provided for in our State Constitution, but is also recognised in the Constitution of the United States, as one of the modes for ratifying amendments, by the States, to the Federal Constitution.

This mode affords time for examination and reflection in relation to the amendment proposed, and finally, when it shall have passed two successive Legislatures, it cannot be adopted without the sanction of a majority of the voters of the State at the ballot box. "A free, open and unrestricted Convention" could have no such restriction upon its power. Hence, a well founded apprehension exists in the minds of many ardent friends of constitutional reform, against the Convention mode of effecting it. A Convention is impracticable and inexpedient, and I regard the Legislative as the safe and only practicable mode, at this time, of amending the constitution.

A change of the Basis of Representation would be fraught with mischief. Even the agitation of the subject is calculated to destroy that harmony among the various portions of the State, which is so essential to prosperity and happiness. Let us unite in directing our attention to objects that may produce more beneficial results.

It is a circumstance gratifying, and at the same time highly complimentary to the State, that however much the people may desire constitutional reform, they promptly reject any other than a constitutional mode to attain it.

The election of Judges and Justices of the Peace, by the people, and for terms less than for life, are questions of constitutional reform, which I recommend to the favorable consideration of the General Assembly.

There is no object of more general importance than Common Schools, nor is there any question more worthy of the favorable consideration of the General Assembly and the people of the State.

It is contended by some that the present mode of dividing the School Fund, is unjust, and that it ought to be divided according to white instead of federal population. The present basis of distribution has met the approval of many successive Legislatures, and I do not see any good reason to recommend a change in this respect. No mode can be devised that will operate with equal benefit to all the counties.

It is submitted, whether the appointment of a general superintendent may not tend to improve common schools, and to advance the cause of education. Such an officer could no doubt do much to produce uniformity in the system, and to diffuse a proper spirit on the subject throughout the State. It is believed that the present system has greatly diminished the number of private schools. In many instances, it would seem that a reliance upon the common school prevents the district from providing a private school; and it is often found that a district has a very imperfect school, and that only for a very short period during the year. The schools should, if possible, be of such a character as to make it the interest of all classes to patronize them; for they are intended alike for the poor and the rich.

The execution of the system is more defective than the system itself. One cause why our schools are not in a more flourishing condition, arises from the fact that public attention has not been sufficiently aroused to the importance of the subject. Sparseness of population, and the want of adequate means to employ suitable teachers, are the principal obstacles that impede the progress of the system. The question arises, whether it is better to endure the system, with its present limited but gradually increasing benefits, or to improve it at once, by a resort to an increase of taxation. I can imagine no object for which an increase of taxation would be more justifiable and commendable. Contributions for public education have been aptly compared to the vapor drawn from the earth, not to exhaust, but to be returned in fertilizing showers.

Our common school system, however, imperfect as it is, is producing lasting and beneficial effects. It will improve as we advance in experience and increase in population. During the past year, upwards of one hundred and twenty-eight thousand dollars were distributed from the Literary Fund, among the several counties of the State, and an equal amount will be distributed during the present year. The principal of the fund is gradually but slowly increasing, and is becoming more productive. As yet, there has been nothing actually received from escheats, but it is believed that the act passed upon this subject at the last session, will, in the course of time, greatly increase the Literary Fund.

The President and Directors of the Literary Fund will in due time submit a report, showing the condition of the fund, and the proceedings of the Board in relation to other subjects committed to their management.

A judicious system of Internal Improvements by the State, has ever been regarded as a subject of great importance, and entitled to the favorable consideration of the General Assembly. The want of cheap transportation is deeply felt by the agricultural, commercial, manufacturing and mining interests of the whole State. To overcome this inconvenience could not fail to increase the reward of every industrial pursuit, and add to the wealth and prosperity of the people of the State. Believing that the members of the General

Assembly, coming from the various counties, will be fully prepared to give due consideration to the claims of every portion of the State, I do not feel called upon to decide between the peculiar merits of the many public improvements which demand the patronage of the State. Works of internal improvement necessarily involve a large expenditure, and should be undertaken with a due regard to their practicability, and to the adequacy of the resources and means necessary to complete them. The General Assembly, which authorizes a work of internal improvement, ought, as a general rule, to provide for raising the means necessary for its completion. Whether public opinion and the condition of the treasury will justify the State at this time in embarking in other and new objects of improvement, and if so, to what extent, is a question which is submitted to the prudence and wisdom of the General Assembly. A wise and prudent system all should approve: a wild and extravagant scheme all should deprecate.

The requisite amount having been subscribed, according to the terms of the Act passed at the last session of the General Assembly to incorporate the Raleigh and Gaston Railroad Company, in the month of October last, the Commissioners on the part of the State delivered over the Road and fixtures to the new Company. Since that time, the Road has ceased to be under the control and management of the State. Since the transfer to the new Company, the road has been undergoing an entirely new superstructure, which is nearly complete.

This improvement has already enhanced facilities to the State. The stock has been subscribed to form the connecting link between this Road and the Wilmington and Raleigh and Seaboard and Roanoke Railroads, and this important work is in course of construction.

At the last session a Resolution was passed, authorizing the President and Commissioners of the Raleigh and Gaston Railroad to anticipate the receipts of the road by the purchase of two hundred and fifty tons of iron, for the purpose of repairing the road, and authorizing them to pledge the receipts of the road for the iron thus purchased. It was provided that the State should, in no manner, or in any event, be held liable for the purchase money; and, when the new charter should be accepted, the iron should be sold for the benefit of the State. In pursuance of this resolution, the President of the road purchased two hundred and fifty tons of iron from Mr. Anderson, of Richmond, and it was applied to repairing the Road. A part of the iron has been taken up by the new Company, and a part of it, I presume, still remains on the road. The new Company has made no proposition to purchase the iron. Unless the Legislature shall otherwise direct, the iron will be sold for the benefit of the State.

It is believed that, after the settlement of the accounts and the payment of liabilities for the expenses of the Road, there will be little, if any thing, applicable to the payment of the debt contracted for this iron. If the Legislature requires the proceeds of the sale of the iron to be placed in the Treasury, it would prevent Mr. Anderson from receiving any portion of his debt. Should the proceeds be applied to this debt they would not pay one half of it. I recommend that the General Assembly authorize the proceeds of the sale of the iron to be applied towards the payment of the debt contracted for its purchase; and it is submitted, whether an appropriation shall be made to pay the balance.

The Report of the President in relation to the affairs of the Road, while under the control of the State, will in due time be communicated to the General Assembly. In enrolling the Bill passed at the last Session to incorporate the Raleigh and Gaston Railroad Company, it is believed that some of the sections as it passed were omitted which renders further legislation on the subject necessary. One of the omitted sections authorized the appointment of four directors on the part of the individual stockholders and only three on the part of the State. The Board of Internal Improvements only appointed the number provided for in the omitted section. But the State owns one half of the stock, and it is believed she ought to have the appointment of one half of the Directors, and it is recommended that such provision be made by law.

An Engineer was employed to survey Neuse River, and the balance of the appropriation made under the Act of

1850-51 after paying the expenses of the survey has been subscribed to the Neuse River Navigation Company, as directed by said Act and a part of the appropriation paid to the Treasurer of the Company. This is a work of importance, and its completion promises highly beneficial results. The Report of the Engineer appointed to make the survey is herewith transmitted.

Three Commissioners were appointed under the act of 1848-9 to superintend the improvement of Tar River. This is a desirable improvement, but it is doubted whether the appropriation is sufficient to accomplish the object for which it was intended.

The whole amount of subscription of the State, to the Cape Fear and Deep River Navigation Company, has been paid. The work is progressing, and promises to open new and valuable commercial advantages not hitherto enjoyed by the State.

Under a Resolution passed at the last session of the General Assembly, the Public Treasurer transferred two thousand shares of the stock owned by the State, in the Wilmington and Raleigh Railroad Company, to the Wilmington and Manchester Railroad Company, whereby the State became a stockholder in the important improvement under the charge of that company. In directing the transfer of the stock, the resolution did not make any change in regard to the number of directors to which the State should be entitled in the Wilmington and Raleigh Railroad Company. Under the circumstances, the Board of Internal Improvements did feel authorized to make any change in the number of directors appointed on the part of the State. The stock transferred, is represented by the State in the Wilmington and Manchester Railroad Company. If the Legislature intended that the number of directors on the part of the State should only be in proportion to her stock, further legislation on the subject would appear to be unnecessary.

The Wilmington and Raleigh Railroad with energetic management, has of late overcome, to a considerable extent, the early embarrassments this important work had to encounter. The Company has commenced paying dividends, thus enabling the Literary Board to distribute an increased amount for the support of Common Schools.

The North Carolina Railroad, it is believed, is progressing as rapidly as could be expected, considering the circumstances attending its commencement and prosecution. This improvement promises to afford new and increased means of transportation to a considerable portion of the State, heretofore deprived of such facilities. The President of the Company will, in due time, submit a report in relation to the progress and condition of the work.

It is probable that application will be made during the present year, or early in the next, for the first installment of the State's subscription to the stock of this road. To raise the sum, State bonds are authorized to be issued and sold. It is believed that this loan, as well as all others required by the State, can be procured upon better terms by authorizing the Public Treasurer to issue Coupon Bonds.

An act was passed at the last session of the General Assembly, appropriating twelve thousand dollars, "out of the first moneys collected after the first day of January, 1852, from the Cherokee bonds, and from the sale of Cherokee lands," for the survey of a Railroad route from Salisbury to the Tennessee line. The Agents state, that only a small sum applicable to this appropriation has been collected. It was not therefore in the power of the Board of Internal Improvements, to procure the execution of the survey. It is to be regretted, that this could not be done before the commencement of the present session of the Legislature, as the contemplated line runs through a portion of the State, where the people are deprived of the means of convenient transportation, and are therefore deeply interested in the subject. It is uncertain, under the present Act, when a sufficient sum will be collected to defray the expense of the survey. Should the Legislature desire it to be made at an early period, an appropriation for that purpose will be the means by which it can surely be accomplished.

The Fayetteville and Western Plank Road is in course of extension. The whole amount of the State's subscription to this work has been paid. The stock has already been paying dividends into the State Treasury. This not only bids fair to be a valuable improve-

ment, but the stock it is believed will be a good investment for the State. The Report of the President and Directors of the Company is herewith transmitted.

An agent was appointed to superintend the construction of the Western Turn-pike road. A considerable portion of the Road has already been made, and other parts of it are under contract. The Agent, it is believed, has faithfully performed his duty in superintending the work. Toll gatherers have already been appointed on the portion of the road completed, but a report of the amount of tolls collected has not yet been received.

It is respectfully submitted whether legislative action is not necessary on the subject of public high-ways. This is a subject of general importance to the State, and has been too much neglected. Good roads will be found to advance the interests of all the industrial pursuits of the State. The mode of assessing the labor to build and repair public high-ways is unequal and unjust—The work done on the public roads is a tax paid in labor. It often occurs that a person of quite limited estate contributes but little or nothing at all for that purpose.

It becomes the duty of the present General Assembly to lay off the State into Electoral, Congressional, and Senatorial Districts; and apportion the members of the House of Commons among the several Counties of the State.

It is respectfully submitted, whether public convenience and the ends of public justice do not require the formation of one or two additional Judicial Circuits, and the election of a corresponding number of Judges.

The fiscal year closes on the 31st day of October, when the Public Treasurer will submit his Report giving a detailed account of the operations and condition of the Treasury.

The State debt is as follows:—

State bonds already issued, \$1,224,000	
Loan authorized by law for various works of Internal Improvement for which it is expected bonds will be issued during the next two years,	\$2,140,000
Total,	\$3,364,000

The Report of the Comptroller for the fiscal year, ending the 31st of October, 1851, is herewith communicated.

It will be seen that the taxes paid into the Treasury during the year 1851, amounted to the sum of \$157,137 71. The Revenue Act, passed at the last session, will it is believed, increase the revenue paid into the Treasury this year, about \$20,000. Neither the demands on the Treasury, nor public convenience would seem to require any increase of taxation during the next two years. No more money should be collected from the people, than is necessary to defray the expenses of a good and economical government. Taxation is indispensable, but it is one of the first duties of the statesman, to endeavor to equalize the burdens as well as the benefits of government.

For many years the demands upon the Treasury were so limited, that but little attention was paid to the subject of taxation. Of late years, Internal Improvements and other public objects have increased the expenditures, and our financial system has assumed a more important aspect. It will be perceived, that of the \$157,137 71 tax, paid into the Treasury in 1851; \$37,059 32 was collected on land and town property; \$30,133 07 on polls; \$25,007 87 on interest tax; and \$12,822 61 on store tax; amounting in the aggregate to the sum of \$111,022 87, paid into the Treasury on these principal items of taxation; and \$46,014 84 paid in on all others. The land and poll tax amounted to \$73,192 39. The tax for County purposes is collected entirely on land and polls; and the amount paid into the Public Treasury on these two items is small, when compared with the tax paid for County purposes. We have no returns to show the amount of County tax collected in the State. It is believed, however, that not more than twenty per cent. of the whole amount collected on land and polls, goes into the Public Treasury, and I have based the estimate of the average amount paid on land accordingly. An examination into the existing revenue laws will show that the present system operates very unequally. At present, \$1000, loaned at interest, pays 180 cents, while \$1000, hoarded against the public convenience and public policy, pays nothing at all; \$1000 invested in land,

pays 300 cents, while \$1000 invested in trade, pays 100 cents. Other unjust discriminations might be shown.

As a general rule, it is believed that the tax upon the estate of each person should be in proportion to its value, subject to such exceptions only as circumstances and fundamental principles may justify. Inasmuch as property on the one hand ought not to be made the test of public privilege, neither on the other ought the absence of property to exempt the person from bearing an equitable share of the public burden. Therefore it is thought just and proper to impose capitation tax. Slaves are regarded to some extent as both persons and property. The following wise provision in our State Constitution, which ought not to be departed from, defines the power of legislation upon this subject.

### "SECTION III.

1. Capitation tax shall be equal throughout the state upon all individuals subject to the same.

2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to capitation tax, and no other person shall be subject to such tax; provided that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity."

It will be seen that slave property must form an exception in framing a system of *ad valorem* taxation. White males alone are subject to a poll-tax, while a poll-tax is imposed on both male and female slaves, and the period of taxation commences nine years earlier and continues five years longer.—Thus it will appear that by taxing both sexes the amount of revenue collected from the tax on slaves is double the amount collected on white polls, in proportion to the population of the two races; and the difference in the duration of the period for which they are taxed is equivalent to one hundred per cent more. It is therefore obvious that in proportion to the whole number of each, the poll-tax paid on the slaves is three times as much as the poll tax on the white population. So it will be found that this provision in the Constitution has imposed a tax on slaves in the two fold character of persons and property, and that an *ad valorem* tax cannot be imposed on that species of estate.

Persons and property being the principal objects of taxation, they should bear a fair and just relation to each other, in a system of revenue. It is believed that, after excepting slaves, each person's estate, real and personal, including money, whether at interest or not, ought to be taxed alike, according to value. This would require every person to contribute in proportion to the value of his or her estate, and would equalize the public burden between the various classes, upon principles of justice. I know of no better rule to ascertain the ability of the owner to pay, or the degree of protection his estate requires from government, than by resorting to the actual value of such estate.

This system need not interfere with taxing certain employments, and the income on professions, as is now done. Such persons as do not possess personal estate of the value of one hundred and fifty dollars, ought to be exempt from property tax, and an exemption of a like amount might be made in favor of all others. A system of revenue, based upon these principles, is recommended to the favorable consideration of the General Assembly.

On the 8th of May, 1851, Asa Biggs, B. F. Moore and R. M. Saunders, Esquires, were appointed commissioners, under the act of the last session of the General Assembly, to revise the public statute laws of the State. On the 2d day of August, 1852, R. M. Saunders sent in his resignation, which, in consequence of my necessary absence, did not reach me till the 24th of that month. His letter of resignation is herewith communicated. I have received no official report from the commissioners; but in the latter part of the month of August last, it came to my knowledge that the commissioners, prior to the date of this resignation, had decided not to report the revision to the present Legislature. Under all the circumstances, it was deemed advisable not to fill the vacancy until the subject was submitted to the General Assembly. It is due to state that the commissioners were appointed with the hope and expectation that they would be able to complete their labor by the usual time of the meeting of the Legislature. They will,